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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,166	06/05/2006	Volker Krisch	5488-6	7662
23442	7590	06/11/2010		
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			EXAMINER MERLINO, ALYSON MARIE	
			ART UNIT 3673	PAPER NUMBER
			MAIL DATE 06/11/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,166

Applicant(s)

KRISCH ET AL.

Examiner

ALYSON M. MERLINO

Art Unit

3673

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-28, 40-45 and 56-61 is/are allowed.
- 6) ☒ Claim(s) 19-22, 29-39, 46-55 and 62-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 3 February 2010, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3673.

Double Patenting

2. **Claim 45 (the second claim 45) is objected to** under 37 CFR 1.75 as being a substantial duplicate of claim 45 (the first claim 45). When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 19, 21, 22, 29, 35-39, 46, 52-55, 62, and 68 are rejected** under 35 U.S.C. 102(b) as being anticipated by Niemann (EP 1 065 335 A1). The computer-generated translation of Niemann will be referred to within the rejection by paragraph numbers.

5. **In regards to claims 19, 36, 37, and 53**, Niemann discloses an electromechanical lock cylinder (Figure 1) that cooperates with evaluation electronics to recognize access authorization, comprising two opposite cylindrical receptacles 12, 13, at least one of which includes a lock core 14, which can be operated by a key (apparent from Figure 1) that is mounted to rotate, in which the lock core cooperates with the lock tab 17, 18, which operates, in particular, a bolt or latch of a door lock (Paragraph 26), and with a fitting key (Paragraph 25), an electromechanically driven blocking or coupling element (Figure 4b) is moved from a rest position (Figure 2) to an operating position and produces a splined connection between the key and the lock tab (Figure 5b), whereas the lock tab, in the rest position of the blocking or coupling element, is freely rotatable (apparent that there is no connection in Figure 2) relative to the lock core, wherein the blocking or coupling element is arranged on the lock (apparent from Figure

1) and rotates with it (apparent from Figures 2 and 5, rotates when coupled together), and includes an eccentric 26 that is rotatable between a first (Figure 4b) and second (Figure 5b) position such that when the eccentric is in the first position, a driver 27 in communication therewith is in a rest position (apparent from Figure 4b), and when the eccentric is rotated from the first position to the second position, the driver is moved in a direction substantially perpendicular to a long axis (see figure below) of the lock core into an operating position (see figure below) in which the driver engages in a recess 29 of the lock tab.

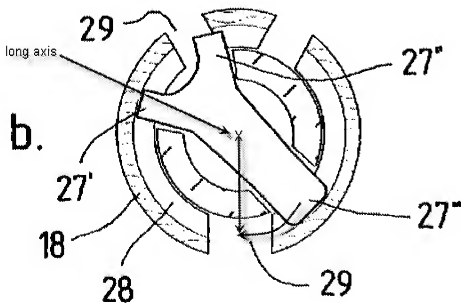


FIG. 4

6. **In regards to claims 21, 22, 38, 39, 54, and 55**, Niemann discloses that the rest position and/or the operating position of the driver lie beyond the corresponding dead centers of the eccentric by a predetermined angle of rotation of 10° to 30° beyond the corresponding dead center (position of driver, apparent from Figures 4b and 5b).
7. **In regards to claims 29, 46, and 62**, Niemann discloses that the driver is held in the rest position by spring force (force created by spring 39).
8. **In regards to claims 35, 52, and 68**, Niemann discloses that the blocking or coupling element includes an electromagnetic drive (Paragraph 35).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. **Claim 20 is rejected** under 35 U.S.C. 103(a) as being unpatentable over Niemann (EP 1 065 335 A1) in view of Kornhofer et al. (WO 02/088492 A2). The computer-generated translation of Kornhofer et al. and Niemann will be referred to within the rejection by paragraph numbers. Niemann discloses the lock core that is capable of being operated by a key (apparent from Figure 1), as applied to claim 19 above, but fails to disclose that a continuous lock core which extends from one side of the housing to the opposite side and is capable of being operated from both sides by a key. Kornhofer et al. teaches an electromechanical lock (Figure 1) having a continuous lock core 2, 3, which extends from one side of a housing 1 to the opposite side and is capable of being operated from both side by a key (apparent from Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a lock core on the opposite side of the housing from the lock core 2, disclosed by Niemann, since second lock core would move the lock tab to actuate the latch of the door and to enhance the security of the device by having two key-operated lock cores.

12. **Claims 30-34, 47-51, and 63-67 are rejected** under 35 U.S.C. 103(a) as being unpatentable over Niemann (EP 1 065 335 A1) in view of Büser et al. (US-5010750). Niemann discloses the electromechanical lock cylinder as applied to claims 19, 21, 22, 36, and 53 above, but fails to disclose that the lock cylinder includes recording devices, such as a sensor, to record the status of various components of the lock through the use of a signal. Büser et al. teaches an electromechanical lock cylinder having multiple

recording devices S1, S2 such as a sensor for evaluating the status of components. Since the inclusion of recording devices such as a sensor would not hinder the ability of the electromechanical lock cylinder to actuate a bolt or latch of a door lock, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include recording devices, such as sensors, to evaluate the status of a component of a device in order to enhance the security and efficiency of operation of the device.

Allowable Subject Matter

13. Claims 23-28, 40-45, and 56-61 are allowed.

Response to Arguments

14. Applicant's arguments, regarding the rejections of claims 23-28, 40-45, and 56-61 under 35 U.S.C. 103(a), filed 3 February 2010, have been fully considered and are persuasive. The rejections of claims 23-28, 40-45, and 56-61 under 35 U.S.C. 103 have been withdrawn.

15. Applicant's arguments regarding the rejections of claims 19, 21, 22, 29, 35, 36, 38, 39, 53-55, 62, and 68 under 35 U.S.C. 102(b) and the rejections of claims 20, 30-34, 47-51, and 63-67 filed 3 February 2010 have been fully considered but they are not persuasive.

16. In regards to the rejections of claims 19, 21, 22, 29, 35, 36, 37, 38, 39, 53-55, 62, and 68 under 35 U.S.C. 102(b) by Niemann, the applicant argues that the coupling element 26 of Niemann is not an eccentric as claimed, and that the coupling element 26 of Niemann having a driver 27" does not move in a direction substantially perpendicular to a long axis of the knob shaft or lock core.

The claim only recites an "eccentric," which leaves the claim language open to a number of interpretations. For example, it is clear that the center of mass of the eccentric 26 is off center or eccentrically located from its axis of rotation, see the annotated figure above, therefore, the eccentric 26 has an axis away from the center. Also, the coupling element 26 of Niemann is considered an eccentric since it is unusual in shape. Applicant merely alleges that component 26 is not an eccentric, however, applicant has not set forth the definition of an eccentric that applicant is considering, and the claim language does not provide any further structure to the eccentric. It is clear from the annotated figure on Page 5 that the eccentric 26 of Niemann has a driver 27" that moves in a direction "substantially perpendicular" to a long axis, shown in the annotated figure, of the knob shaft or lock core as claimed, with this direction of movement indicated by the arrow near the indicator of reference character 29, which is clear from the movement from Figure 4 indicating the rest position to the position in Figure 5 showing the operating position, in which the driver engages in a recess 29 of the lock tab, see Figure 5, as claimed; therefore, the rejections are maintained.

17. In regards to the rejection of claim 20 under 35 U.S.C. 103(a) over Niemann in view of Kornhofer, the applicant argues various portions of structure of Kornhofer that

"teach away" from the claimed device, however, the Kornhafer et al. reference is a teaching of an electromechanical lock (Figure 1) having a continuous lock core 2, 3, which extends from one side of a housing 1 to the opposite side and is capable of being operated from both side by a key (apparent from Figure 1), and the specifics of the structure located below the continuous lock core of Kornhofer was not referred to in the teaching. The Kornhofer et al. reference was a teaching of utilizing a continuous lock core 2, 3, not a teaching of an eccentric, which would have been obvious to one of ordinary skill in the art since second lock core would move the lock tab to actuate the latch of the door and to enhance the security of the device by having two key-operated lock cores, which is well-known in the art; therefore, the rejection is maintained.

18. In regards to the rejections of claims 30-34, 47-51, and 63-67 under 35 U.S.C. 103(a) over Niemann in view of Buser, the applicant argues that Buser does not overcome the other shortcomings of Niemann in that Buser does not teach, suggest, or make obvious providing an electromechanically driven locking pin that resides on or in the lock core or the knob shaft.

The Buser reference was applied as a teaching of utilizing recording devices, such as sensors, to evaluate the status of a component of a device in order to enhance the security and efficiency of operation of the device, not a teaching of an electromechanically driven locking pin; therefore, the rejections are maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALYSON M. MERLINO whose telephone number is

(571)272-2219. The examiner can normally be reached on Monday through Friday, 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

AM
June 1, 2010